



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Of:

Bruce E. Boggs

Serial No.: 10/628,185

Filed: July 28, 2003

Title: CARBON SCAVENGER FLY
ASH PRETREATMENT METHOD

Assignee: Mainland Laboratory, Ltd.

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Attorney Docket No. P-108399.01(CON)

Group Art: 1755

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF
REQUEST FOR ACCEPTANCE OF ADDITIONAL FEES
FOR ERRONEOUSLY CLAIMING SMALL ENTITY STATUS (37 CFR §1.28(C))


I am the attorney of record in this case. I have been licensed to practice before the United States Patent and Trademark Office since 1978. I am in good standing before the United States Patent and Trademark Office. I make this declaration to support the acceptance of an additional filing fee in this case.

The initial establishment of the applicant/ assignee as a small entity was made in good faith, but was erroneous. At the time the application was filed (Serial No. 10/628,185, filed July 28, 2003), the agent preparing the application asked the representative of the assignee company whether it qualified as a small entity. The assignee's representative did not understand that employees of affiliates and licensees were to be included in the total number of employees. required the filing of a fresh declaration of inventorship and also noted that a small entity filing fee had been paid on initial filing. The undersigned conducted an investigation and discovered

in late December 2003 that the assignee company (Mainland Laboratory, Ltd.) had a license agreement with an entity which did not qualify as a small entity; and, thus, the application did not qualify for small entity status. This mistake was made without any intent to deceive the United States Patent and Trademark Office.

I therefore request that the United States Patent and Trademark Office accept the additional \$500.00 filing fees and surcharges.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Thomas E. Sisson, Reg. No. 29,348
Attorney of Record



P-108399.01(CON)

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

This is a continuation patent application.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CARBON SCAVENGER FLY ASH PRETREATMENT METHOD, the specification of which was filed on July 28, 2003, Serial No. 10/628,185.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination and patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

U. S. Patent Application Serial No. 09/804,737, filed March 13, 2001 (issued Patent No. 6,599,358); and

U. S. Provisional Patent Application Serial No. 60/188,737; filed March 13, 2000.

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Thomas E. Sisson, Reg. #29,348;
Daniel D. Chapman, Reg. #32,726;
Cline H. White, Reg. #45,213.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Bruce E. Boggs, Inventor
Bruce E. Boggs

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